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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,650	09/30/2003	Kourosh Gharachorloo	60963-0012	8973

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EXAMINER

COBY, FRANTZ

ART UNIT PAPER NUMBER

2161

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/676,650

Applicant(s)

GHARACHORLOO ET AL.

Examiner

Frantz Coby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06-15-04;07-21-05</u> . | 6) <input type="checkbox"/> Other: _____  |

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This is in response to application filed on September 30, 2003 in which claims 1-33 are presented for examination.

**Status of Claims**

Claims 1-33 are pending, of which, claims 1, 18, 19 and 33 are independent claims.

***Information Disclosure Statement***

The information disclosure statement filed on June 15, 2004 and July 21, 2005 are in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. They have been placed in the application file and the information referred to therein has been considered as to the merits.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, claims 1, 18, 19 and 33 it is not clear as to what signal is supposed to be detected; nor, how the signal is supposed to be detected. Also, the claim is not clear as to which criteria is to be met; nor, how the criteria is to be met.

Claims 1 and 19 recite the limitations "there are" in line 8 and line 4 respectively. Pronouns are not permitted in the claims. Only what is being referred by "there" should be set forth in the claim.

Claims 2-3 are also rejected because of the recitation "will produce" and "will add" respectively. This claimed recitation renders the claim vague and indefinite

Claim 17 is also rejected because of the recitation "that will be". This claimed recitation renders the claim vague and indefinite

Claims 2-17 and 20-32 are at least rejected for their dependencies, directly or indirectly, on the rejected claims 1, 18-19 and 33 above.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-33 are rejected under 35 U.S.C. 101 because the claims are directed to a search method where detection of a signal is recited throughout the claims. A signal is a form of energy. Such form of energy, *signal per se*, does not resolve or enhance the search method intended to be described by the body of the claims. That, therefore, does not form the basis for statutory subject matter under 35. U.S.C. 101.

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Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a machine, an asserted utility or a well established utility. The language of the claims 1 and 18 raises a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

As per claims 2-17, these claims are at least rejected for their dependencies, directly or indirectly, on the rejected claims 1 and 18 above.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhou et al. U.S. Publication 2005/0273318 A1.

As per claims 1, 18-19 and 33, Zhou et al. disclose "an extended search method" by providing a method and system for retrieving sentences (See Zhou et al. Title). In

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particular, the retrieving system of Zhou et al. comprising: "receiving a search query" (Page 1, Paragraph 0009). Also, Zhou et al. disclose the claimed limitations of "searching a standard index of a set of replicated standard indexes having multiple instances of the standard index, based on said search query; detecting a signal based on said searching of said standard index, and when the signal meets predefined criteria: searching an extended index of a set extended indexes having at least one instance of the extended index, wherein there are fewer instances of the extended indexes than instances of the standard index" as a search engine that retrieves confirming sentences from the sentence database in response to the query. The query is received and indexing units are defined, based upon the query, with the indexing units including both lemma from the query and extended indexing units associated with the query, where sentences from the sentence database are retrieved by the search engine using the defined indexing units as search parameters (See Zhou et al. Page 1, paragraph 0010). Further, Zhou et al. disclose the claimed features of "obtaining extended search results from the extended index, and transmitting at least a portion of the extended search results" (See Zhou et al. Page 1, paragraph 0011).

As per claims 2-17 and 20-32 are at least rejected for their dependencies, directly or indirectly, on the rejected claims 1, 18-19 and 33 above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Avadhanam et al. U.S. Patent no. 6,778,977 disclosed a method and system for creating a database table index using multiple processors.

Avadhanam et al. U.S. 2004/0199530 A1 disclosed a method and system for creating a database table index using multiple processors.

Rundell U.S. Patent no. 4,633,391 disclosed an extended index for digital information storage and retrieval device.

Zhou et al. U.S. 2004/0059718 A1 disclosed a method and system for retrieving confirming sentences.

Kanno U.S. Patent no. 6,169,999 disclosed a dictionary and index creating system and document retrieval system.

Copeland et al. U.S. Patent no. 5,878,260 disclosed an information handling system method and articles of manufacture including object name services with multilevel indices.

Morishita U.S. Patent no. 5,761,688 disclosed an index structure of a dictionary retrieval apparatus.


Kinoshita et al. U.S. Patent no. 5,715,446 disclosed an information searching apparatus for searching text to retrieve character streams agreeing with a key word.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is 571 272 4017. The examiner can normally be reached on Monday-Friday 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571 272 4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**FRANTZ COBY**  
**PRIMARY EXAMINER**

April 29, 2006